

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

_____)	
UNITED STATES OF AMERICA)	Case No. 1:12CR3
)	
v.)	
)	
KIM DOTCOM, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MOTION TO FILE SURREPLY OUT OF TIME

The government requests permission to file its surreply in response to Kyle Goodwin's motion to unseal certain documents on December 14, 2012, two days out of time. In support of its motion, the government hereby states as follows:

1. On October 22, 2012, Kyle Goodwin filed a motion to unseal certain documents. On November 5, 2012, the United States responded, opposing the motion. Simultaneously, the United States filed multiple motions seeking to partially unseal certain documents related to Mr. Goodwin's motion. On November 8, 2012, the Court ordered that the documents subject Mr. Goodwin's motion be unsealed, though redacted. On November 9, 2012, Kyle Goodwin, with the consent of the United States, sought additional time to file his reply. On November 15, 2012, the Court granted Mr. Goodwin's motion and gave Mr. Goodwin until November 28, 2012, to file his reply. The Court authorized the government to file a surreply "no later than December 12, 2012."

2. The undersigned received the Court's order. Incorrectly believing that the provisions of Federal Rule of Criminal Procedure 45(c) applied to the Court's Order, the undersigned calendared the due date for the government's response as Friday, December 14.¹ The undersigned was out of the country on official travel from December 9 to December 13. Thus, prior to leaving, he left instructions to

¹ This was in fact one day earlier than the due date had Rule 45(c) applied to the Court's order.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to:

Christopher L. Harlow, Esq.
SNR Denton US LLP
Counsel for Carpathia Hosting, Inc.
1301 K Street NW, Suite 600, East Tower
Washington, DC 20005
Tele: (202) 408-6816
christopher.harlow@snrdenton.com

John S. Davis, Esq.
Williams Mullen
Counsel for Kyle Goodwin
200 South 10th Street, 16th Floor
Richmond, VA 23219
Tele: (804) 420-6296
jsdavis@williamsmullen.com

Julie Moore Carpenter, Esq.
Jenner & Block LLP
*Counsel for Motion Picture Association
of America*
1099 New York Ave, NW, Suite 900
Washington, DC 20001-4412
Tele: (202) 639-6000
jcarpenter@jenner.com

Ira P. Rothken, Esq.
The Rothken Law Firm
Counsel for The Rothken Law Firm
3 Hamilton Landing, Suite 280
Novato, CA 94949
Tele: (415) 924-4250
ira@techfirm.net

William A. Burck, Esq.
Paul F. Brinkman, Esq.
Quinn Emanuel Urquhart & Sullivan LLP
*Counsel for Quinn Emanuel Urquhart &
Sullivan LLP*
1299 Pennsylvania Avenue NW, Suite 825
Washington, DC 20004
Tele: (202) 538-8000
williamburck@quinnemanuel.com
paulbrinkman@quinnemanuel.com

/s/ _____
Andrew Peterson
Assistant United States Attorney
Office of the United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tele: 703-299-3700
Fax: 703-299-3981